

REMARKS/ARGUMENTS

Claims 1-3, 5-10, 12-17, 19, and 20 are pending.

Claims 4, 11, and 18 have been canceled without prejudice.

Claims 1, 5, 7, 12, 14, and 19 has been amended to bring them into condition for allowance as defined in the Office Action. No new subject matter has been added with these amendments.

Claims 5, 12, and 19 were previously dependent claims and have now been amended into independent form. This has resulting 3 three additional independent beyond 3 in the original filing. Thus, a check for \$258.00 to cover there three additional independent claims under 37 CFR 1.16(b) is enclosed.

A. Allowable Subject Matter

Claims 4-6, 11, 12-13, 18-20 have been found to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the Office Actions statement of reasons for the indication of allowable subject matter, the claims have been amended and now believed to be in condition for allowance.

B. 35 U.S.C. § 103(a)

Claim 1-3 and 7-10 – the Nam patent in view of the Deshayes patent

Claims 1-3 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,850,148 issued December 15, 1998 to Jae W. Nam (hereinafter “the Nam patent”) in

view of U.S. Patent 6,356,090 issued March 12, 2002 to Herve Deshayes (hereinafter “the Deshayes patent”) (Office Action, pages 2-4).

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 (from which claims 2-3 depend) and claim 7 (from which claims 8-10) have been amended to include the limitations of claim 4 and claim 11, respectively, which as discussed in the Office Actions “statement of reasons for the indication of allowable subject matter” will place claim 1 and claim 7 into condition for allowance.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection of claims 1-3 and 7-10 are respectfully requested.

Claim 14 – the Frederickson patent in view of the Nam patent

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,955,888 issued September 21, 1999 to Toby Frederickson, et al. (hereinafter “the Frederickson patent”) in view of the Nam patent (Office Action, pages 4-5).

Claim 14 has been amended to include the limitation of claim 18, which as discussed in the Office Actions "statement of reasons for the indication of allowable subject matter" will place claim 14 into condition for allowance.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection of claims 1-3 and 7-10 are respectfully requested.

Claims 15-17 – the Frederickson patent in view of the Nam patent and the Deshayes patent

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Frederickson patent in view of the Nam patent and further in view of the Deshayes patent (Office Action, pages 5-6).

Claims 15-17 depend, either directly or indirectly from claim 14. As previously discussed, claim 14 has been amended to include the limitation of claim 18, which as discussed in the Office Actions "statement of reasons for the indication of allowable subject matter" will place claim 14 into condition for allowance. Thus, likewise, claims 15-17 will be in condition for allowance.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection of claims 1-3 and 7-10 are respectfully requested.

In view of the foregoing remarks, the Applicants request allowance of the application. Please forward further communications to the address of record. If the Examiner needs to

contact the below-signed attorney to further the prosecution of the application, the contact number is (503) 712-1682.

Dated: December 15, 2003

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert G. Winkle", is written over a horizontal line.

Robert G. Winkle
Attorney for Applicants
Reg. No. 37,474